



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Cajar Defense Support Company

File: B-239858

Date: June 7, 1990

Mason Ford, for the protester.
Christine S. Melody, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

Protest challenging agency's rejection of protester's proposal is untimely where filed more than 10 days after protester was notified of rejection.

DECISION

Cajar Defense Support Company (CDSC) protests the evaluation of its proposal submitted in response to request for proposals (RFP) No. DAAA21-89-BAA5, issued by the Department of the Army, for a "Non-Conventional Kill/Incapacitation Mechanism."

We dismiss the protest.

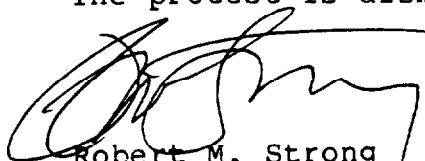
On May 1, 1990, CDSC sent to this Office an information copy of a letter addressed to the Federal District Court in Morristown, New Jersey, apparently attempting to file a complaint before the court challenging the Army's evaluation of its proposal under the RFP. By letter dated May 4, we acknowledged receipt of CDSC's letter and advised the firm that our Office will decline jurisdiction over a protest which is before a court of competent jurisdiction. In a subsequent letter dated May 16, CDSC stated there was no protest pending before a court, and that it now wished to protest to our Office.

Our Bid Protest Regulations require protests such as CDSC's to be filed with our Office not later than 10 days after the basis of the protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1990). As evidenced by CDSC's May 1 letter to the court, in response to the Army's April 27 letter rejecting CDSC's proposal, May 1 is the latest date on which CDSC had knowledge of the Army's adverse action.

048691/41534

Thus, CDSC had 10 working days after May 1, 1990, to file a protest. Because the protest was not filed until May 25, more than 10 working days after May 1, the protest is untimely and will not be considered.^{1/} Moreover, we see no basis for considering the protest under either the good cause or significant issue exceptions to our timeliness rules. See 4 C.F.R. § 21.2(b); Tremco, Inc.--Request for Recon., B-223623.2, Sept. 4, 1986, 86-2 CPD ¶ 260.

The protest is dismissed.



Robert M. Strong
Associate General Counsel

^{1/} With regard to CDSC's May 1 letter to the court, the information copy sent to us clearly was not a protest to our Office. See American Mutual Protective Bureau et al., B-213904 et al., Aug. 8, 1984, 84-2 CPD ¶ 157.